

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LOUBERT ALEXANDRE, YVON AUGUSTIN,
MAX CHARTELAIN, WILFRED GERMAIN, CLAUDE
LESSAGE, and JEAN PIERRE, INDIVIDUALLY AS
OWNERS OF YELLOW CAB MEDALLIONS IN THE
CITY OF NEW YORK AND ON BEHALF OF A CLASS
OF ALL OWNERS SIMILARLY SITUATED, AS WELL AS
INDIVIDUALLY, TOGETHER WITH MAMNUNUL HAQ
and ASIM AKHTAR, AS HOLDERS OF HACK
LICENSES IN THE CITY OF NEW YORK AND AS
REPRESENTATIVES ON BEHALF OF A CLASS OF
ALL HOLDERS OF HACK LICENSES IN THE CITY OF
NEW YORK, and the NEW YORK TAXI WORKERS
ALLIANCE,

Civil Action No.

AFFIDAVIT OF
ASIM AKHTAR

Plaintiffs,

- against -

THE NEW YORK CITY TAXI AND LIMOUSINE COM-
MISSION, MATTHEW DAUS, AS COMMISSIONER
/CHAIR OF THE NEW YORK CITY TAXI AND LIMO-
USINE COMMISSION, AND THE CITY OF NEW YORK,

Defendants.

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STATE OF NEW YORK)
 SS.:
COUNTY OF NEW YORK)

ASIM AKHTAR, being duly sworn, deposes and says:

1. I am the plaintiff in this proceeding and make this affidavit in support of
plaintiffs' motion for a temporary restraining order and preliminary injunction.

2. I reside in the county of Kings, New York. My full time occupation is of a yellow
cab driver in New York City. My hack license number is 5209653. I obtained my hack license
on October 28,2005 and have been driving as a full time taxi yellow cab driver for almost two

years. Driving a taxi cab is my sole means of livelihood.

3. I currently drive my yellow taxi vehicle seven days a week to earn my living.

4. I lease a 2006 Ford Crown Victoria yellow taxi cab vehicle which bears medallion number 2L29 on a weekly basis from a garage in Brooklyn.

5. The weekly lease payment due to the garage is the amount of ONE THOUSAND THREE HUNDRED FIFTY DOLLARS ("1,350.00") to lease the car and medallion. I pay SEVEN HUNDRED TWENTY FIVE DOLLARS ("725.00") and my partner pays SIX HUNDRED TWENTY FIVE DOLLARS ("625.00"). My partner drives the day shift while I drive the night shift.¹ I pay my weekly lease upfront on the Sunday preceding the week that follows.

6. I spend approximately EIGHT HUNDRED FORTY DOLLARS ("840.00") per month to purchase gas for my taxi.

7. I had to spend approximately EIGHT HUNDRED DOLLARS ("800.00") in order to obtain my hack license and hence, the ability to drive a yellow taxi cab. This amount included the payment for a) Changing my DMV license class D to a class E license; b) NYS DMV certified defensive driving course; c) 2-year TLC licensing fee; d) Fingerprinting fee; e) Drug test cost; e) Taxicab driver taxi 80 hour course; and f) Taxi test and English proficiency test fee.

8. I also have to pay a License Renewal Fee of ONE HUNDRED TWENTY DOLLARS ("120.00") every two years in order to maintain my hack license.

¹"Partner" is a term used in the taxi industry to define the person with whom a driver shares the costs of the taxi and the driving time. For example, one driver may drive the cab in the day hours (commonly referred to as "day shift") whereas the other driver may drive the taxi in the night hours (commonly referred to as "night shift"). This arrangement is verbal only and usually does not involve a written contract.

9. I pay an annual drug test fee of TWENTY FIVE DOLLARS (“\$25.00”).

10. There is an EZ-PASS for my taxi and it is in my name. I pay the bill once month.

11. Defendant New York City Taxi and Limousine Commission (“TLC”) has mandated that before August 1, 2007 the owner-operators sign a contract for the installation of the Taxi Technology System (“TTS”) with one of their chosen vendors. The pieces of equipment necessary to operate TTS are: 1) a text message box; 2) a credit card machine; and 3) a Passenger information Monitor and 4) software to create an electronic trip sheet, which includes GPS technology. inside of each taxi cab on the taxi’s next safety inspection date which falls between October 1, 2007 and January 31, 2008.

12. The TLC’s mandated technology is going to unduly burden my hack license in that I will have to lose my hard earned income and the garage will find ways to impose the extra costs of the TTS onto me.

13. TLC’s new TTS rules, which are posted on the website, also mandate that if the technology malfunctions, I am required to report it within two hours and it must be repaired within forty eight hours from the particular vendors’ service center. Each time the technology malfunctions, I will have to take my hack license off the road and lose my livelihood while I take the taxi to the repair shop and for the time period my taxi is kept off the road while the malfunction is being fixed, without any compensation by the TLC.

14. The TLC’s new rules clearly declare that I must bear the cost of the transaction fee for each credit and debit card transaction, which they have estimated will be no less than 2.5% and may be as high as five percent (5%) of each fare. I believe that such transaction fees will result in a huge loss of revenue for me.

15. If the TLC forces the TTS technology to be installed inside of the yellow cab that I

drive, I simply cannot afford the burden of these extra imposed costs and will be driven out of my occupation.

16. I also feel that the GPS component of the TLC mandated technology is an invasion of my privacy because it will track me every single minute of the day, seven days a week and twenty four hours each day, even when I am off-duty and using my yellow taxi vehicle for my own personal use.

17. I face the irreparable harm of losing my livelihood and of the TLC's permanent physical invasion in the form of TTS technology into the taxi cab that I drive week to week and upon my hack license when I never asked for it and I have no desire for it, nor can I afford the loss of income it imposes on me. When I obtained my hack license, I did not know that one day the government would be allowed to permanently change the taxi cab which I drive and make me bear the exorbitant cost of operating this technology.

18. If the court does not intervene, I will lose my livelihood and the TLC will permanently change the inside of the yellow taxi cab forever..

Asim Akhtar

ASIM AKHTAR

Sworn to before me this

22nd day of August, 2007

Kathy Rosado
NOTARY PUBLIC

KATHY ROSADO
NOTARY PUBLIC - STATE OF NEW YORK
NO. 01RO6142270
QUALIFIED IN BRONX COUNTY
MY COMMISSION EXPIRES MAR. 13, 2010